

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alex Tuminello	Team: Squad #14	CCRB Case #: 201410500	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 10/02/2014 10:35 PM	Location of Incident: Intersection of Richmond Terrace and Rector Street and the 120th Precinct stationhouse	Precinct: 120	18 Mo. SOL 4/2/2016	EO SOL 4/2/2016	
Date/Time CV Reported Fri, 10/03/2014 1:13 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/14/2014 6:02 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			120 PCT
2. POM Rudy Anzalone	27189	945472	120 PCT
3. POM Dustin Levi	26208	943480	120 PCT
4. POM Elves Pinho	11848	942364	120 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Tripi	05991	920910	120 PCT
2. POM Jin Tsoi	25286	935883	120 PCT
3. LT Christophe Bannon	00000	921137	120 PCT
4. POM Richard Guerrieri	01640	948039	120 PCT
5. POM James Trapasso	22068	947443	120 PCT
6. DTS Steven Lopez	29498	943498	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Rudy Anzalone	Force: At the intersection of Richmond Terrace and Rector Street in Staten Island, PO Rudy Anzalone pointed his gun at § 87(2)(b)	
B.POM Elves Pinho	Force: At the intersection of Richmond Terrace and Rector Street in Staten Island, PO Elves Pinho pointed his gun at § 87(2)(b)	
C.POM Dustin Levi	Force: At the intersection of Richmond Terrace and Rector Street in Staten Island, PO Dustin Levi pointed his gun at § 87(2)(b)	
D. An officer	Force: At the intersection of Richmond Terrace and Rector Street in Staten Island, an officer pointed their gun at § 87(2)(b)	
E. An officer	Discourtesy: At the intersection of Richmond Terrace and Rector Street in Staten Island, an officer spoke rudely to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
F. An officer	Force: At the intersection of Richmond Terrace and Rector Street in Staten Island, an officer used physical force against § 87(2)(b)	
G. An officer	Force: At the intersection of Richmond Terrace and Rector Street in Staten Island, an officer used a chokehold against § 87(2)(b)	
H. An officer	Force: At the intersection of Richmond Terrace and Rector Street in Staten Island, an officer restricted § 87(2)(b)'s breathing.	
I. An officer	Abuse: At the intersection of Richmond Terrace and Rector Street in Staten Island, an officer did not obtain medical treatment for § 87(2)(b)	
J. An officer	Abuse: At the 120th Precinct stationhouse, an officer did not obtain medical treatment for § 87(2)(b)	
K. An officer	Discourtesy: At the 120th Precinct stationhouse, an officer spoke rudely to § 87(2)(b)	

Case Summary

On October 2, 2014, at approximately 10:35 p.m., § 87(2)(b) was driving when he was flagged down by an unidentified female at the intersection of Richmond Terrace and Rector Street in Staten Island. He stated that the female asked him, “What are you going to do?” § 87(2)(b) explained that he was going to work and the female also stated that she was working. He stated that the female then allegedly asked him whether or not he wanted something to which he responded, “Anything like what, have sex?” Immediately thereafter, four plainclothes officers came to the vehicle and pointed their guns at § 87(2)(b) and told him to get out of the car (**Allegation A, B, C and D**). The investigation identified three of these officers as PO Rudy Anzalone, PO Elves Pinho and PO Dustin Levi of the 120th Precinct. The investigation was unable to identify a fourth officer. § 87(2)(b) stated that one of the officers stated to him, “Get out of the fucking car,” (**Allegation E**) and he voluntarily exited the vehicle. The officers then holstered their weapons and an officer pushed § 87(2)(b) into a vehicle (**Allegation F**). § 87(2)(b) was then led to a police van that had approximately five to six other men in the vehicle. § 87(2)(b) stated that he was not placed in this van and was taken to a sedan. He was told to get into the vehicle and as he climbed into the vehicle, an officer allegedly started punching him in the groin with both hands (**within Allegation F**). § 87(2)(b) alleged that an officer then held him in a chokehold and restricted his breathing for approximately one minute (**Allegation G and H**). § 87(2)(b) also alleged that several times at the incident location, he requested that officers obtain him medical attention (**Allegation I**). § 87(2)(b) was then transported to the 120th Precinct stationhouse.

At the 120th Precinct stationhouse, § 87(2)(b) was placed into a holding cell and alleged that he asked an unidentified uniformed male officer to obtain him medical treatment (**Allegation J**). § 87(2)(b) alleged that he never received medical treatment at the stationhouse. § 87(2)(b) also alleged that an unidentified officer from the incident location stated to him, “Get your ass up, you’re going home,” and also told him, “Shut the fuck-up.” (**Allegation K**) § 87(2)(b) was eventually released with a Desk Appearance Ticket.

Meditation, Civil and Criminal Histories

- This case was deemed unsuitable for mediation because § 87(2)(b)
- On June 3, 2015, a Notice of Claim inquiry was sent to the NYC Comptroller’s Office. The response will be added to the case file upon its receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Encl. 2A).
- PO Anzalone has been a member of the service for seven years and has been the subject of seven other allegations involving four other CCRB cases, with no substantiated allegations. § 87(2)(g)
- PO Pinho has been a member of the service for eight years and has been the subject of one other allegation involving one other CCRB case with no substantiated allegations. § 87(2)(b)

- PO Levi has been a member of the service for eight years and has been the subject of three previous allegations in four other CCRB cases with no substantiated allegations. § 87(2)(g)

Medical Records

On § 87(2)(b) at approximately 2:49 a.m., § 87(2)(b) arrived at § 87(2)(a) Gen.Mun. §50-H(3) in Staten Island. He alleged to medical personnel that he was assaulted by a police officer and punched in the stomach several times. He made no mention of having been placed in a chokehold. § 87(2)(b) was initially diagnosed with abdominal pain and the cause of his pain was listed as not yet known. § 87(2)(b) received an abdominal x-ray, which showed no acute findings. After a re-evaluation of § 87(2)(b) his abdomen was determined to be soft and non-tender, and he was deemed stable for discharge without any further treatment or medication. (Encl. See Medical Records Folder)

NYPD Documents

- § 87(2)(a) 160.50, § 87(2)(b)
- The Tour 3 Roll Call from the 120th Precinct on October 2, 2014, indicates that Lt. Christopher Bannon was assigned as the Special Operations Platoon Commander on the date of the incident. PO Jin Tsoi, PO Pinho, PO Anzalone, PO Levi are all listed as working conditions (Encl. 23A-23K).
- According to the Tour 3 Command Log for the 120th Precinct on October 2, 2014, at approximately 10:50 p.m., § 87(2)(b) was logged into the stationhouse by PO Joseph Tripi. His physical and mental condition was listed as apparently normal. At approximately 1:55 a.m., on October 3, 2014, § 87(2)(b) was released with desk appearance ticket number 817 (Encl. 24A).
- According to event summary number § 87(2)(b) an ambulance case occurred at the 120th Precinct stationhouse, at approximately 2:10 a.m. on October 3, 2014. At approximately 2:23 a.m., a sick prisoner was transported to § 87(2)(b). The investigation determined that this event summary was not related to § 87(2)(b) because he was released from the stationhouse at approximately 1:55 a.m. and was not in police custody when he went to the hospital (Encl. 22A).
- § 87(2)(b)'s arrest photograph does not indicate any bruising or lacerations to his face or neck (Encl. 15A).

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(e), § 87(2)(f)

§ 87(2)(b). The investigation was able to identify PO Anzalone, PO Pinho and PO Levi as the officers that were a part of the apprehension team on the date of the incident. All three officers stated that they would have been the first officers to interact with § 87(2)(b) after the undercover left the location. As a result, **Allegations A, B and C** are being pled against PO Anzalone, PO Pinho and PO Levi. While § 87(2)(b) said a fourth officer was present, the investigation was unable to identify this officer from § 87(2)(b)'s physical descriptions of the officers, and the identified members of the apprehension team did not recall the name of the fourth officer

assigned to the apprehension team. As a result, this officer could not be identified and **Allegation D** is being pled against “an officer” from the 120th Precinct.

§ 87(2)(b) alleged that an officer stated to him, “Get out of the fucking car.” Once he voluntarily exited the vehicle, the same officer allegedly pushed him against his vehicle. § 87(2)(b) could not provide any pedigree information for this officer besides the fact that he was a male. All of the identified members of the apprehension team on the date of the incident have been identified as males. All of the officers interviewed in regards to the investigation denied speaking rudely to any civilians on the date of the incident and denied pushing § 87(2)(b) into his vehicle. As a result, this officer could not be identified and **Allegations E and F** are being pled against an officer from the 120th Precinct.

§ 87(2)(b) alleged that as he was attempting to sit inside of a police vehicle, he still had one leg out of the vehicle, when an officer started punching him in the groin with both hands. An unidentified officer that § 87(2)(b) could not describe then placed him in a chokehold which restricted his breathing for approximately one minute. § 87(2)(b) described the officer that punched him as a light-skinned, white or Hispanic male, 5’4” tall and stocky. The investigation was unable to positively identify this officer based on the generic description provided by § 87(2)(b). With the exception of PO Tsoi, all the interviewed officers were white and none were that short. The investigation was also unable to determine which officer allegedly placed § 87(2)(b) in a chokehold because § 87(2)(b) could not describe the officer and all the officers interviewed denied placing § 87(2)(b) in a chokehold. As a result, this officer could not be identified and **Allegations G and H** are being pled against an officer from the 120th Precinct.

§ 87(2)(b) alleged that at the incident location, he requested numerous times for an ambulance to take him to the hospital. § 87(2)(b) alleged that this request was made to several officers at the incident location, but could not specifically describe which officers these were. § 87(2)(b) also alleged that at the stationhouse, a uniformed officer, who was approximately 5 feet and a few inches tall, refused his medical attention request. § 87(2)(b) could not provide any other information in regards to this officer. All of the officers interviewed denied that § 87(2)(b) ever requested medical attention from § 87(2)(b) on the date of the incident. The investigation determined that on the date of the incident, PO Omair Butt was the cell attendant. PO Butt is an Asian male who stands six feet and two inches tall. This pedigree information is completely inconsistent with the description provided by § 87(2)(b). As a result, this officer could not be identified and **Allegations I and J** are being pled against “an officer” from the 120th Precinct.

§ 87(2)(b) alleged that while in the cells at the stationhouse, an officer that had been at the incident location but had not pointed a gun at him stated, “Get your ass up, you’re going home.” On a follow-up phone call, § 87(2)(b) alleged that this officer stated to him, “Shut the fuck-up.” § 87(2)(b) could not provide any pedigree information in regards to this officer and all of the officers interviewed in regards to the investigation denied ever speaking rudely to § 87(2)(b) on the date of the incident. As a result, **Allegation K** is being pled against an officer from the 120th Precinct.

Allegation A: Force- At the intersection of Richmond Terrace and Rector Street in Staten Island, PO Rudy Anzalone pointed his gun at § 87(2)(b)

Allegation B: Force- At the intersection of Richmond Terrace and Rector Street in Staten Island, PO Elves Pinho pointed his gun at § 87(2)(b)

Allegation C: Force- At the intersection of Richmond Terrace and Rector Street in Staten Island, PO Dustin Levi pointed his gun at § 87(2)(b)

Allegation D: Force- At the intersection of Richmond Terrace and Rector Street in Staten Island, an officer pointed his gun at § 87(2)(b)

§ 87(2)(b) alleged that on the date of the incident, he allegedly was flagged down by an unidentified female at the intersection of Richmond Terrace and Rector Street in Staten Island. He stated that the female asked him, “What are you going to do?” § 87(2)(b) explained that he was going to work and the female also stated that she was working. He stated that the female then allegedly asked him whether or not he wanted something to which he responded, “Anything like what, have sex?” Immediately thereafter, four plainclothes officers came to the vehicle and pointed their guns at § 87(2)(b) and told him to get out of the car.

As previously discussed in the officer identification section, the investigation was able to determine based on officer testimony that PO Anzalone, PO Pinho and PO Levi were a part of the apprehension team on the date of the incident. The investigation was unable to identify the fourth officer that allegedly belonged to the apprehension team. All three of the identified officers stated that they would have been the first officers to interact with § 87(2)(b) after the command was given over the radio by Lt. Bannon in regards to apprehending § 87(2)(b). All of the officers testified that at no point did they point their guns at § 87(2)(b).

§ 87(2)(g)

Allegation E: Discourtesy- At the intersection of Richmond Terrace and Rector Street in Staten Island, an officer spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that when the officer approached, an officer allegedly stated to him, “Get out of the fucking car.” As previously discussed in the officer identification section, § 87(2)(b) could not provide any specific pedigree information by the officer that allegedly cursed at him. The only information § 87(2)(b) was able to provide was the fact that the officer was a male.

Three officers were identified as initially approaching § 87(2)(b)'s vehicle, but all of the officers interviewed in regards to this case denied speak rudely to § 87(2)(b) at any point.

§ 87(2)(g)

Allegation F: Force- At the intersection of Richmond Terrace and Rector Street in Staten Island, an officer used physical force against § 87(2)(b)

Allegation G: Force- At the intersection of Richmond Terrace and Rector Street in Staten Island, an officer used a chokehold against § 87(2)(b)

Allegation H: Force- At the intersection of Richmond Terrace and Rector Street in Staten Island, an officer restricted § 87(2)(b)'s breathing.

§ 87(2)(b) alleged that after he exited his car, he was then pushed against the car and handcuffed by the same officer that allegedly cursed at him. As discussed above, this officer was not identified. § 87(2)(b) alleged that he was then led to a police van that had approximately five to six other men in the vehicle. § 87(2)(b) stated that he was not placed in this van and was taken to a sedan. He was told to get into the vehicle and as he climbed into the vehicle, an officer allegedly started punching him in the groin with both hands. § 87(2)(b) also alleged that an officer then held him in a chokehold and restricted his breathing for approximately one minute.

The investigation was able to positively identify § 87(2)(b) as one of the men located inside of a police van on the date of the incident. § 87(2)(b) stated that he was 20 feet away when he observed officers trying to get § 87(2)(b) into another police vehicle. § 87(2)(b) stated that he was able to see that § 87(2)(b) was physically resisting and fighting the officers. He stated that neither § 87(2)(b) nor the officers ever punched each other and he never observed an officer grab § 87(2)(b)'s neck. § 87(2)(b) stated that the officers were mostly grabbing § 87(2)(b)'s arms and elbows in an attempt to get him in the vehicle.

All of the officers interviewed in regards to the investigation stated that at no point did any officer push § 87(2)(b) into a vehicle, punch him in the groin or apply a chokehold to § 87(2)(b) which restricted his breathing.

§ 87(2)(g)
[REDACTED]

[REDACTED]

[REDACTED]

Allegation I: Abuse of Authority- At the intersection of Richmond Terrace and Rector Street in Staten Island, an officer did not obtain medical treatment for § 87(2)(b)

Allegation J: Abuse of Authority- At the 120th Precinct stationhouse, an officer did not obtain medical treatment for § 87(2)(b)

Allegation K: Discourtesy- At the 120th Precinct stationhouse, an officer spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that several times during the incident, he complained about being in pain and requested for an ambulance to take him to the hospital. He alleged that this request was first made to officers at the arrest location. As previously discussed, § 87(2)(b) could not provide any specific pedigree information about any of these officers. § 87(2)(b) alleged that medical attention was

never provided to him. § 87(2)(b) also alleged that while at the stationhouse, he requested medical attention from an unidentified uniformed officer and this request was also ignored. § 87(2)(b) also alleged that while in his cell, an unidentified officer that was present at the initial incident location, stated to him, “Get your ass up, you’re going home.” During a follow-up phone call, § 87(2)(b) also alleged that this officer told him, “Shut the fuck-up.”

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Pod 14

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date